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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/690,046 | 10/16/2000 | Frederick M.S. Herz | | 1525 |

23628 7590 12/06/2006

WOLF GREENFIELD & SACKS, PC
FEDERAL RESERVE PLAZA
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

EXAMINER

REILLY, SEAN M

| ART UNIT | PAPER NUMBER |
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2153

DATE MAILED: 12/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

EXAMINER'S COMMENT

A 37 CFR § 1.105 - Request for Information mailed to Applicant on October 13, 2006. The Request for Information is VACATED. Applicant is not required to file a response to the Request for Information.

On August 19, 2005 Applicant filed a notice of appeal. In response to the notice of appeal Applicant filed a response on February 21, 2006. The response included new claim limitations and additional priority claims. For at least these two reasons further search and/or consideration would have been required. Accordingly the February 21, 2006 amendment does not place the case in condition for allowance.

Applicant failed to file any other responses within the 7-month statutory response time period for the notice of appeal filed on August 19, 2005. Thus, this application is ABANDONED.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Reilly whose telephone number is 571-272-4228. The examiner can normally be reached on M-F 8-5.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



October 13, 2006



ANDREW CALDWELL
SENIOR PATENT EXAMINER